

1 Christopher M. Curran (*pro hac vice*)

2 ccurran@whitecase.com

3 Lucius B. Lau (*pro hac vice*)

4 alau@whitecase.com

5 Dana E. Foster (*pro hac vice*)

6 defoster@whitecase.com

7 White & Case LLP

8 701 Thirteenth Street, N.W.

9 Washington, DC 20005

10 Telephone: (202) 626-3600

11 Facsimile: (202) 639-9355

12 *Counsel to Defendants Toshiba Corporation,*

13 *Toshiba America, Inc., Toshiba America*

14 *Information Systems, Inc., Toshiba America*

15 *Consumer Products, L.L.C., and*

16 *Toshiba America Electronic Components, Inc.*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 (SAN FRANCISCO DIVISION)

20 IN RE: CATHODE RAY TUBE (CRT)
21 ANTITRUST LITIGATION

22 Case No. 07-5944 JST
23 MDL No. 1917

24 This Document Relates to:

25 CERTAIN DIRECT ACTION
26 PLAINTIFFS' ACTIONS

27 **DECLARATION OF MATTHEW**
28 **FRUTIG IN SUPPORT OF TOSHIBA'S**
OBJECTIONS TO SPECIAL
MASTER'S RECOMMENDED ORDER
DATED OCTOBER 21, 2015 RE
PLAINTIFFS' MOTION TO COMPEL
SUPPLEMENTAL DISCOVERY
FROM TOSHIBA AND PANASONIC

DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF TOSHIBA'S OBJECTIONS TO SPECIAL
MASTER'S RECOMMENDED ORDER DATED OCTOBER 21, 2015 RE PLAINTIFFS' MOTION TO
COMPEL SUPPLEMENTAL DISCOVERY FROM TOSHIBA AND PANASONIC

Case No. 07-5944 JST
MDL No. 1917

1 I, Matthew Frutig, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, counsel for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Information
4 Systems, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba America Electronic
5 Components, Inc. (the "Toshiba Defendants").

6 2. I submit this declaration in support of the Toshiba's Objections to Special
7 Master's Recommended Order Dated October 21, 2015 Re Plaintiffs' Motion to Compel
8 Supplemental Discovery from Toshiba and Panasonic, filed contemporaneously herewith.
9 Except for those matters stated on information and belief, which I believe to be true, I have
10 personal knowledge of the facts stated herein, and I could and would competently testify
11 thereto if called as a witness.

12 3. Attached hereto as **Exhibit 1** is a true and correct copy of the IPPs' First Set of
13 Interrogatories to Defendants, dated August 1, 2014.

14 4. Attached hereto as **Exhibit 2** is a true and correct copy of the IPPs' Fourth Set
15 of Requests for Production of Documents to Toshiba Defendants, dated August 1, 2014.

16 5. Attached hereto as **Exhibit 3** is a true and correct copy of the IPPs' First Set of
17 Interrogatories to Toshiba Defendants, dated August 1, 2014.

18 6. Attached hereto as **Exhibit 4** are true and correct copies of the Toshiba
19 Defendants' Objections and Responses to the IPPs' First Set of Interrogatories to Defendants,
20 dated September 5, 2014.

21 7. Attached hereto as **Exhibit 5** are true and correct copies of the Toshiba
22 Defendants' Objections and Responses to the IPPs' Fourth Set of Requests for Production of
23 Documents to Toshiba Defendants, dated September 5, 2014.

24 8. Attached hereto as **Exhibit 6** are true and correct copies of the Toshiba
25 Defendants' Objections and Responses to the IPPs' First Set of Interrogatories to Toshiba
26 Defendants, dated September 5, 2014.

27 9. Attached hereto as **Exhibit 7** is a true and correct copy of the IPPs' Motion to
28 Compel Interrogatory Responses, dated September 12, 2014.

DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF TOSHIBA'S OBJECTIONS TO SPECIAL
MASTER'S RECOMMENDED ORDER DATED OCTOBER 21, 2015 RE PLAINTIFFS' MOTION TO
COMPEL SUPPLEMENTAL DISCOVERY FROM TOSHIBA AND PANASONIC

Case No. 07-5944 JST

MDL No. 1917

1 10. Attached hereto as **Exhibit 8** is a true and correct copy of the IPPs' Motion to
2 Compel Supplemental Discovery Responses, dated September 19, 2014.

3 11. Attached hereto as **Exhibit 9** is a true and correct copy of the Toshiba
4 Defendants' Response to the IPPs' Motion to Compel Interrogatory Responses, dated
5 September 26, 2014.

6 12. Attached hereto as **Exhibit 10** is a true and correct copy of the Toshiba and
7 Panasonic Defendants' Response to the IPPs' Motion to Compel Supplemental Discovery
8 Responses, dated October 3, 2014.

9 13. Attached hereto as **Exhibit 11** is a true and correct copy of the IPPs' Reply to
10 the Toshiba Defendants' Response to IPPs' Motion to Compel Interrogatory Responses, dated
11 October 3, 2014.

12 14. Attached hereto as **Exhibit 12** is a true and correct copy of the IPPs' Reply to
13 Toshiba's and Panasonic's Joint Response to IPPs' Motion to Compel Further Interrogatory
14 Responses, dated October 10, 2014.

15 15. Attached hereto as **Exhibit 13** is a true and correct copy of the order entering
16 the Toshiba Defendants and IPPs' Stipulation Withdrawing Pending Motions, dated March
17 26, 2015.

18 16. Attached hereto as **Exhibit 14** is a true and correct copy of the Special
19 Master's Request for Status re Motions, dated May 27, 2015.

20 17. Attached hereto as **Exhibit 15** is a true and correct copy of the DAPs' Notice
21 re: Motions to Compel Toshiba Defendants, dated June 11, 2015.

22 18. Attached hereto as **Exhibit 16** is a true and correct copy of the Toshiba and
23 Panasonic Defendants' Response to the DAPs' Notice, dated June 19, 2015.

24 19. Attached hereto as **Exhibit 17** is a true and correct copy of the DAPs' Reply
25 Re Status re Motions to Compel, dated July 6, 2015.

26 20. Attached hereto as **Exhibit 18** is a true and correct copy of the Special
27 Master's Recommended Order Re Plaintiffs' Motion to Compel Supplemental Discovery
28 from Toshiba and Panasonic, dated October 21, 2015.

DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF TOSHIBA'S OBJECTIONS TO SPECIAL
MASTER'S RECOMMENDED ORDER DATED OCTOBER 21, 2015 RE PLAINTIFFS' MOTION TO
COMPEL SUPPLEMENTAL DISCOVERY FROM TOSHIBA AND PANASONIC

Case No. 07-5944 JST

MDL No. 1917

1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct.

3
4 Executed this 5th day of November, 2015, in Washington, DC.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


Matthew Frutig

DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF TOSHIBA'S OBJECTIONS TO SPECIAL
MASTER'S RECOMMENDED ORDER DATED OCTOBER 21, 2015 RE PLAINTIFFS' MOTION TO
COMPEL SUPPLEMENTAL DISCOVERY FROM TOSHIBA AND PANASONIC

Case No. 07-5944 JST

MDL No. 1917

CERTIFICATE OF SERVICE

On November 5, 2015, I caused a copy of "DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF TOSHIBA'S OBJECTIONS TO SPECIAL MASTER'S RECOMMENDED ORDER DATED OCTOBER 21, 2015 RE PLAINTIFFS' MOTION TO COMPEL SUPPLEMENTAL DISCOVERY FROM TOSHIBA AND PANASONIC" to be electronically filed via the Court's Electronic Case Filing System, which constitutes service in this action pursuant to the Court's order of September 29, 2008.

By: /s/ Lucius B. Lau
Lucius B. Lau

DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF TOSHIBA'S OBJECTIONS TO SPECIAL MASTER'S RECOMMENDED ORDER DATED OCTOBER 21, 2015 RE PLAINTIFFS' MOTION TO COMPEL SUPPLEMENTAL DISCOVERY FROM TOSHIBA AND PANASONIC

Case No. 07-5944 JST

MDL No. 1917